

Application Serial No.: 10/669,682
Reply to Office Action dated December 18, 2006

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-4, 12-18, 21, 23, and 26-28 are presently pending in this case. Claims 1 and 12 have been amended by way of the present Amendment. Claims 5-11, 19, 20, 22, 24, and 25 have been canceled without prejudice or disclaimer. Pending Claims 13, 17, 18, 21, and 23 have been withdrawn from consideration. Care has been taken such that no new matter has been entered.

In the outstanding Official Action, Claims 1-4, 12, 14-16, and 26-28 were rejected under 35 U.S.C. 102(b) as being anticipated by Bernier (U.S. Patent No. 4,004,536). For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Bernier reference is indicated as anticipating each of independent Claims 1 and 12. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. As will be demonstrated below, the Bernier reference clearly does not meet each and every limitation of independent Claims 1 and 12.

Claim 1 of the present application recites a motion reduction apparatus comprising a plumb plate which is provided on at least a side of a floating main body, is separated from the floating main body by a specific distance, extends in a vertical plane with respect to the floating main body in an upright orientation, and extends below a lowermost bottom surface of the floating main body. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

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The Official Action cites the embodiment of Figures 23-24 in the Bernier reference for the teaching of the invention recited in Claim 1 of the present application. The Applicants note that the vanes (355) in this embodiment do not extend in a vertical plane with respect to the floating main body in an upright orientation. As is evident from a review of these figures, the vanes (355) are clearly provided in a substantially horizontal plane when the boat hull is in an upright orientation. The vanes (355) are provided in a substantially horizontal plane in order to prevent the boat from sliding on the water during a banking turn of the boat. In direct contrast, the plumb plate of the present invention is provided in a vertical plane with respect to the floating main body in an upright position in order to reduce the motion of the floating body caused by waves. The vanes (355) of the Bernier reference are provided for a clearly distinct purpose from the plumb plate of the present invention, and the vanes (355) of the Bernier reference have a clearly distinct structural configuration from the plumb plate positively recited in Claim 1.

Thus, the Applicants submit that the Bernier reference fails to disclose a plumb plate that extends in a vertical plane with respect to the floating main body in an upright orientation as recited in Claim 1 of the present application. Thus, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 1 of the present application based on the Bernier reference.

Claim 12 of the present application advantageously recites a motion reduction apparatus comprising a plate member provided on a side of a floating main body, wherein the plate member has an edge section closest to the floating main body that is separated from the floating main body by a specific distance, and an upper edge of the plate member is oriented

at substantially a same level as a lowermost bottom surface of the floating main body. The Applicants submit that the Bernier reference fails to disclose all of the above limitations.

The Official Action cites the embodiment of Figures 23-24 in the Bernier reference for the teaching of the invention recited in Claim 12 of the present application. The Official Action indicates that the upper surface of the vane (355) is being cited for the edge section recited in Claim 12. The Applicants note that the upper surface extends along an entire length of the vane (355) from the pivot (361) to the rear end of the vane (355). Thus, one end of the upper surface of the vane (355) is in contact with and attached to the hull (359) at pivot (361), and the opposite end is separated from the hull when in the extended position.

Claim 12 expressly recites a plate member that has an edge section closest to a floating main body that is separated from the floating main body by a specific distance. Since at least some portion of the upper surface of the vane (355) will always remain in contact with the hull (e.g., an edge of the upper surface of the vane (355) will always be in contact with the hull at pivot (361)), then *the edge section of vane (355) closest to the hull (359)* will always be in direct contact with the hull. Therefore, *the edge section of vane (355) closest to the hull (359)* of the Bernier reference will never be *separated from* the hull by any distance. The Applicant notes that a distance of zero (i.e., when the edge section and the hull are in contact) cannot be interpreted as a condition in which the edge section is *separated from* the hull, as this would be an unreasonable and improper interpretation of this term since it would be directly contrary to the accepted definition of this phrase.

Accordingly, the Applicants submit that the Bernier reference fails to disclose a plate member that has an edge section closest to a floating main body that is separated from the floating main body by a specific distance, as recited in Claim 12 of the present application.

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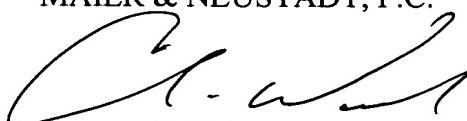
Thus, the Bernier reference fails to disclose all of the limitations positively recited in Claim 12 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 12 of the present application based on the Bernier reference.

The dependent claims are considered allowable for the reasons advanced for the independent claim from which they respectively depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respectively independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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